

NOT RECOMMENDED FOR PUBLICATION

No. 20-4302

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

NAWAZ AHMED,

)

)

Petitioner-Appellant,

)

)

v.

)

TIM SHOOP, Warden,

)

)

Respondent-Appellee.

)

)

)

FILED

Jul 30, 2021

DEBORAH S. HUNT, Clerk

O R D E R

Before: MOORE, WHITE, and THAPAR, Circuit Judges.

This matter is before the court upon initial consideration to determine whether this appeal was taken from an appealable order.

Nawaz Ahmed, a prisoner sentenced to death by the State of Ohio, filed a habeas corpus action pursuant to 28 U.S.C. § 2254. On September 21, 2020, the district court denied the habeas petition. After he appealed the judgment (No. 20-4153, pending), Ahmed filed post-judgment motions that challenged the prior magistrate judge's orders. The post-judgment motions were referred to the magistrate judge for disposition, and the magistrate judge entered orders striking the motions because Ahmed filed them pro se while he was represented by counsel. Ahmed appeals the magistrate judge's orders and the order of reference (No. 20-4302, the current appeal).

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We lack jurisdiction over appeal No. 20-4302. An order of a magistrate judge is not appealable to this court unless the magistrate judge is given plenary jurisdiction pursuant to 28 U.S.C. § 636(c)(1). *McQueen v. Beecher Cnty. Schs.*, 433 F.3d 460, 471–72 (6th Cir. 2006). The magistrate judge was not given plenary jurisdiction in this case. Moreover, the district court's order of reference to the magistrate judge is not appealable. *See, e.g., Bridgeport Guardians, Inc. v. Delmonte*, 537 F.3d 214, 221 (2d Cir. 2008) (holding that a post-judgment order of reference to a special master is not final and appealable); *N. Telecom, Inc. v. Appleton*, No. 90-5340, 1990 WL 61172, at *1 (6th Cir. May 10, 1990) (“An order of reference by a district court to a magistrate is not appealable.”).

It is ordered that appeal No. 20-4302 is **DISMISSED** for lack of jurisdiction.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt
Clerk

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Re: Case No. 20-4302, *Nawaz Ahmed v. Tim Shoop*
Originating Case No. 2:07-cv-00658

Dear Mr. Ahmed and Counsel:

The Court issued the enclosed (Order/Opinion) today in this case.

Sincerely yours,

s/Patricia J. Elder
Senior Case Manager

cc: Mr. Richard W. Nagel

Enclosure

No mandate to issue